

PATENT APPLICATION

IN THE U.S. PATENT AND TRADEMARK OFFICE

April 25, 2005

Applicants: Hiromichi INAGAKI et al

For: PACKAGING MATERIAL AND PACKAGED PRODUCT

Serial No.: 10/009 205 Group: 1772

Confirmation No.: 8216

Filed: December 4, 2001 Examiner: Watkins III

International Application No.: PCT/JP01/03563

International Filing Date: April 25, 2001

Atty. Docket No.: Komatsu Case 261

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**LETTER TO EXAMINER**

Sir:

This request for continued examination is being filed in order to have the Amendment After Final Rejection dated March 23, 2005 entered into the record of the present application. Acknowledgement is made of the Examiner's indication that the priority documents have been received.

Currently pending Claims 1, 3 and 4 have been rejected under 35 USC 103(a) as being unpatentable over Toshima in view of Jaisle et al. It is respectfully submitted that the currently presented claims are clearly patentably distinguishable over these references.

As previously discussed, the packaging material of the present invention is suitable for use as a substrate for packaging bags or containers employed for heat treatment of various foods, such as processed foods, or for thermal sterilization of medical instruments in, for example, a microwave oven. The packaging material of the present invention is capable of controlling the pressure changes within a packaging bag or container depending on the amount of steam generated from the contents contained in the bag or

container. When a bag or container made of the claimed packaging material and the contents contained therein are heated in a microwave oven, the cast film having heat sealing properties softens and, if a sealing agent is applied, the sealing agent melts and liquefies. The cast film in the zone where the cutting line is formed with or without the low-melting sealing agent expands and extends in the direction of stress acting perpendicular to the cutting line as the pressure inside the bag or container increases. Since the laminate strength of the packaging material is high and extension and expansion are restrained, the cast film or thermally insulating sheet is partially cut and a small hole or local cleavage or opening is formed at the boundary. This small hole or cleavage adjusts the internal pressure inside of the container by elastically expanding or shrinking depending on the amount of steam generated during the heating of the bag or container.

In the present invention, the cast film can extend in both longitudinal and lateral directions when being heated and has desirable mechanical properties as a heat sealant constituting a laminate material. The cast film in combination with the formation of the cutting line and the use of a heat sealing agent is essential in the present invention when laminating the oriented film onto the cast film. Moreover, depending on the degree of heating, the use of the thermally insulating flexible sheet is desirable because it insulates the heat generated inside the packaging bag and the heated bag can be handled with bare hands, even immediately after heating, except for the zone around the vapor exit portion. The prior art cited by the Examiner does not disclose the presently claimed invention.

Toshima discloses a tape-sealed bag and method for producing the same. The bag is sealed with the tape adhered to any portion of a surface of the bag and is opened by taking an end of the tape with the fingers and pulling it. The bag of this reference is only open in the vicinity of a laterally

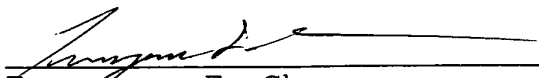
fused area of the bag and the adhesive tape of this bag is prepared separately from the base film and is adhered to the bag to cover a slit. This reference has no disclosure with respect to the provision of small holes or an opening that forms in the bag as a result of a cast film extending and expanding due to stress and the small holes or opening being capable of elastically expanding and shrinking in order to control the pressure change within the bag or container formed from the packaging material. Moreover, Toshima has no disclosure with respect to the bag disclosed thereof being heated. Therefore, the secondary reference cited by the Examiner must provide the motivation to one of ordinary skill in the art to modify the Toshima reference in a manner that would yield the presently claimed invention. It is respectfully submitted that the secondary reference cited by the Examiner contains no such disclosure.

The Jaisle et al reference is directed to a flexible package for a product which has a resealable closure for resealing one portion of the package to an opposing portion of the package. This reference does not show the use of a cast film in combination with a cutting line provided therein or an oriented film laminated thereto or the use of a bag under a heating condition in which the pressure inside of the bag changes. This reference also contains no disclosure with respect to the use of a thermally insulating flexible sheet and, as such, Jaisle et al in combination with Toshima does not present a showing of prima facie obviousness with respect to the presently claimed invention.

The references cited by the Examiner do not disclose a packaging material having the presently claimed features. As such, it is respectfully submitted that the currently presented claims clearly define an invention that is patentable over the prior art cited by the Examiner. The Examiner is respectfully requested to reconsider the present application and to pass it to issue. Upon allowance of the

pending claims, the Examiner has permission to cancel claims directed to the non-elected invention.

Respectfully submitted,

  
Terryence F. Chapman

TFC/smd

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Encl: None

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**EXPRESS MAILING CERTIFICATE**

Sir:

I hereby certify that the attached paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

FLYNN, THIEL, BOUTELL & TANIS, P.C.

By: 

Date: April 25, 2005

Documents attached: RCE Application Transmittal  
dated April 25, 2005  
including enclosures listed thereon

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191.05/04